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2 (Whereupon, a document was
3 marked for identification purposes
4 as Discepolo-4.)

5 - - -

6 BY MS. WALSH:

7 Q. Mr. Discepolo, I'm going to
8 give you an exhibit that's being marked as
9 Discepolo-4. And for identification purposes,
10 it is a two-page document Bates stamped
11 CTI0000363 to 364.

12 A. Okay.

13 Q. I'm going to ask you to take a
14 look at that document, so let me know when
15 you're ready.

16 A. (Reviewing.)

17 Okay.

18 Q. Do you recognize this document?

19 A. Yes, I do.

20 Q. What is it?

21 A. It's a document I wrote up to
22 address Carmelo's attendance issues.

23 Q. Is this the document you
24 testified to that you prepared in -- I think

1 you said August of 2006. Is that correct?

2 A. Yes, it is.

3 Q. And the date on it is
4 September 6th, 2006?

5 A. Um-hum.

6 Q. Would that refresh your
7 recollection with respect to the specific time
8 frame wherein you met with Mr. Millan?

9 A. Yes. Yes.

10 Q. And would -- would the date on
11 this memo be the same date that you met with
12 him or a different date?

13 A. It may have been a day later or
14 a couple days later as I wrote this in my
15 office. And by the time I got out to see him
16 in Warren, it could have been a day or two
17 later.

18 Q. In the -- in the first
19 paragraph of the memo, it says, "The purpose
20 of this formal written warning is to address
21 your overall attendance over the past few
22 months which affects your performance and our
23 team's efforts. This issue has been discussed
24 with you on several occasions."

1 You testified that you had not
2 discussed it with him prior to meeting him
3 regarding this memo. Correct?

4 A. Yeah, that's what I did
5 testify. Obviously, I was wrong about
6 recalling that because I stated here that I
7 did.

8 Q. Does this refresh your
9 recollection with respect to any conversations
10 you had with him prior to that meeting?

11 A. Specifically for dates or when
12 and what was said, no, but if I put it down in
13 black and white, I'm sure I had conversations
14 with him.

15 Q. And it says, "This issue has
16 been discussed with you on several occasions."
17 It doesn't say specifically that you were the
18 one.

19 Could there have been somebody
20 else who had discussions with him regarding
21 his attendance, or would it have been you?

22 A. More than likely, it would have
23 been me.

24 Q. Okay. The times that are

1 indicated on this memo where Mr. Millan
2 arrived late or left early, the dates start
3 August 1st. That's August 1st, 2006.
4 Correct?

5 A. Yes.

6 Q. And did you have a record
7 through the swipe-in/swipe-out system that you
8 described of months prior to that?

9 A. I believe I did, yes.

10 Q. And any reason why they weren't
11 included in the memo?

12 A. Just to highlight the one
13 month, that's all. Honestly, it was a lot of
14 work just cutting and pasting everything out.
15 So I figured one month showed more than enough
16 history.

17 Q. Now, what was the difference
18 with using the main turnstile and another
19 method of entering the building in terms of
20 recording the time?

21 A. I'm not sure if there was one,
22 but we were told to use the main turnstile,
23 that's all.

24 Q. But these dates were based on

1 not reading the main turnstile, but whatever
2 other system of access --

3 A. No, these come from the main
4 turnstile report.

5 Q. Okay. The memo says, "You must
6 use the main turnstile in Building A when you
7 arrive and leave work each day as I will be
8 monitoring the turnstile reports."

9 A. Um-hum.

10 Q. Was there a different method he
11 was using prior to this date for entering and
12 exiting?

13 A. Not that I'm aware of. Again,
14 every door out in Warren has badge readers on
15 it, so you've got to swipe in and swipe out.

16 Maybe to make it easier on the
17 security folks that had to pull the reports,
18 it was easier to say, "Use the main
19 turnstile," and that's the only one they had
20 to pull versus pulling the entire complex.

21 Q. In the third paragraph on the
22 second page, you said, "If there are any
23 special circumstances that affect your
24 performance, I'm available to discuss these.

1 Should these be of a personal nature, you're
2 encouraged to contact the Firm's Employee
3 Assistance Program (E.A.P.), a confidential
4 employee counseling service to discuss the
5 problem or seek assistance."

6 Firstly, did Mr. Millan discuss
7 with you any personal issues that were
8 affecting his attendance?

9 A. Not at this meeting. Not
10 related to this, but, you know, earlier in
11 2006, he had some personal issues where he
12 took some time off, and he went on disability
13 for a few weeks.

14 Q. When was that?

15 A. I'm going to say the end of
16 March, April, May time frame.

17 Q. 2006?

18 A. Yes.

19 Q. And for how many weeks did he
20 go on disability?

21 A. I believe it was at least two.

22 Q. And what -- sorry.

23 A. Go ahead.

24 Q. What was the reason for that?

1 A. Couldn't/-- stressed out,
2 couldn't deal with the job, needed some time
3 off.

4 Q. Did he have any conversation
5 with you with respect to that?

6 A. Just a brief one.

7 Q. When was that?

8 A. Probably right before he went
9 on disability.

10 Q. So sometime in the March to May
11 time frame?

12 A. Yeah, I don't have the exact
13 dates.

14 Q. And what did he say to you
15 during that conversation?

16 A. Just at a high level that,
17 again, he was stressed out and needed some
18 time off.

19 Q. Did he tell you it was
20 specifically to do with work, or was it to do
21 with some personal issues?

22 A. I don't recall. I know it was
23 stress.

24 Q. And what did you tell him or

1 say to him during the conversation?

2 A. "Take the time you need. Take
3 your time. Use the employee services. Get
4 the help, whatever it is that you think you
5 need to straighten out."

6 - - -

7 (Whereupon, a document was
8 marked for identification purposes
9 as Discepolo-5.)

10 - - -

11 BY MS. WALSH:

12 Q. I'm going to give you another
13 exhibit, Mr. Discepolo. This one is being
14 marked as Discepolo-5. And for identification
15 purposes, it's a two-page document that's been
16 Bates stamped CTI0000365 to 6.

17 I'm going to ask you to look at
18 that document and let me know when you're
19 ready.

20 A. (Reviewing.)

21 Okay.

22 Q. Do you recognize that document?

23 A. Yes, I do.

24 Q. What is it?

1 A. It's a formal written warning
2 notice that I gave to Carmelo in January of
3 '07 -- or dated January '07 -- for his
4 attendance issues.

5 Q. And was this -- does this
6 refresh your recollection with respect to the
7 second meeting you had with Mr. Millan as to
8 the time frame?

9 A. Yeah. This one actually didn't
10 go to Carmelo until late February, I believe
11 it was.

12 Q. Why was that?

13 A. I don't think there was any
14 specific reason. Him being out days, me being
15 out days, just time to get together. Also
16 probably getting HR to review it and agree to
17 it.

18 Q. Now, this one, the "Re" in this
19 one is "Final Formal Written Warning"?

20 A. Um-hum.

21 Q. What is your understanding with
22 respect to that description of the memo?

23 A. My understanding was that this
24 is the final warning he would get and that if

1 he didn't straighten out his attendance issue,
2 it could lead up to dismissal.

3 Q. And did Mr. Millan sign and
4 acknowledge this memo in your presence?

5 A. He acknowledged it. I don't
6 believe he signed this one.

7 Q. Any reason why?

8 A. Not that I recall, but I
9 don't -- I don't know if I have a signed copy
10 of this one.

11 Q. Subsequent to you meeting with
12 him in February of '07 to discuss this memo,
13 did you have any subsequent conversations with
14 him regarding attendance?

15 A. No.

16 Q. Did you have any subsequent
17 conversations with him regarding him being
18 overworked?

19 A. No.

20 Q. Did you have any other
21 conversations with him at any time regarding
22 his stress level?

23 A. No.

24 Q. Did his attendance improve

1 after you meeting with him in February of
2 2007?

3 A. Honestly, if I recall properly,
4 this was given to him late in February and,
5 within a day or two, he announced his
6 resignation.

7 Q. How did he announce his
8 resignation?

9 A. If I remember correctly, he let
10 us know that he resigned, and then there was a
11 small e-mail exchange, I guess, between him
12 and I where I asked him to put it in black and
13 white. And then he wanted to know about his
14 vacation time, and I told him I'd get back to
15 him or HR would have to get back to him with
16 that information.

17 Q. Did you have a conversation
18 with him after he tendered his resignation?

19 A. I'm sure I did. It was
20 probably a real brief conversation, just him
21 explaining that he couldn't -- couldn't work
22 within the company anymore.

23 Q. At some point in time, was
24 Mr. Millan involved in the drafting of a

1 Process Control Manual for global engineering?

2 A. Yes, he was.

3 Q. When was that?

4 A. I think he initially drafted
5 the PCM when he was working for Paul prior to
6 my management responsibility, but as I became
7 familiar with that environment, we were always
8 looking to improve the PCM and bring it up to
9 date and make sure it really described what
10 they did in the lab.

11 Q. What was the purpose of the
12 PCM?

13 A. Just a general process manual
14 for lab coordinators to understand what their
15 roles and responsibilities are in the lab,
16 govern or give a set of rules that should be
17 followed when you're performing work in the
18 lab.

19 Q. Did a PCM exist for the lab
20 prior to Mr. Millan drafting it, or do you
21 know?

22 A. I don't know. I think that's
23 the first one I ever saw, so...

24 Q. Were Process Control Manuals

1 mandated throughout CTI in every department at
2 a certain point in time?

3 A. I can't attest to the other
4 departments. Within engineering, there were
5 certain PCMs created for different aspects of
6 engineering work.

7 Q. And beyond having general
8 processes documented, what was the purpose of
9 doing that?

10 A. Just -- again, just to ensure
11 that all of the engineers or personnel
12 involved in certain aspects are following the
13 same guidelines and rules when they do their
14 work. And if you bring new people on board,
15 it gives them a point to start to understand
16 how things are done within the environment.

17 Q. So is it used for training
18 purposes?

19 A. Not training, but just to give
20 them -- give a new employee a guideline as to
21 how things get done for what they --

22 Q. Sorry. Go ahead.

23 A. Go ahead.

24 Q. To familiarize them with the

1 rules and responsibilities?

2 A. Um-hum. Or certain processes
3 that would have to get followed.

4 - - -

5 (Whereupon, a document was
6 marked for identification purposes
7 as Discepolo-6.)

8 - - -

9 BY MS. WALSH:

10 Q. I'm going to show you another
11 exhibit. This one is being marked as
12 Discepolo-6, and it is a -- an 11-page
13 document that's Bates stamped for
14 identification purposes CTI00001167 through
15 77.

16 A. Okay.

17 Q. And I'm going to ask you to
18 have a look at that and let me know when
19 you're ready.

20 A. (Reviewing.)

21 Okay.

22 Q. Do you recognize what's being
23 marked as Exhibit 6?

24 A. I recognize it in the format

1 that's been created here. This was actually
2 the basis for the PCMs that I am more familiar
3 with, updated versions of it.

4 Q. On the second page of the
5 document, there's a revision history, and
6 there's a date indicated there of April 18th,
7 2005?

8 A. Yup.

9 Q. Do you see that?

10 A. Yes.

11 Q. That was prior to you
12 supervising Mr. Millan. Is that correct?

13 A. Correct.

14 Q. And it indicates "Initial
15 Draft." Is that correct?

16 A. Yes.

17 Q. If you turn to Page 7 of the
18 document, the first paragraph there is headed
19 "Lab Coordination Team." Is that correct?

20 A. Yes, it is.

21 Q. And does lab coordination team
22 refer to -- at the time in '05, did it refer
23 to Mr. Millan and Mr. Ibrahim?

24 A. Yes.

1 Q. And the listing of
2 responsibilities there, is that an accurate
3 reflection of the responsibilities that
4 Mr. Millan and Mr. Ibrahim would have had as
5 lab coordinators at the time?

6 A. Yes.

7 Q. What is loaner equipment?

8 A. If an engineer is going to
9 evaluate a new piece of technology from Compaq
10 or HP, HP or Compaq would give them demo gear
11 or loaner hardware for them to do the
12 evaluation and then ship it back to them after
13 they finished their evaluation.

14 Q. Physical lab access control, I
15 know you testified earlier that relates to the
16 actual personnel who were allowed to have
17 access to the lab?

18 A. Yes.

19 Q. What's yearly reconciliation
20 with respect to that? What does that involve?

21 A. That involves getting a report
22 from security for the badge reader assigned to
23 the lab doors and showing a list of who has
24 access to that badge reader and then just

1 running through it and saying, "I know these
2 people, I know these people, they're good,
3 they're good. Look, we've got HR people with
4 access to the lab. They don't belong here.
5 Take them off the list."

6 Q. Okay.

7 A. Okay?

8 Q. What is inter-engineering
9 discipline liaison?

10 A. I would take that as a
11 consultant-type role to work with different
12 engineering groups that are trying to test
13 something, and the lab coordinators would
14 facilitate or help those groups come together
15 and make sure that the product that they want
16 to test is going to work in the lab.

17 Q. And, specifically, how would
18 they do that?

19 A. They would see a lab request
20 come in, it says, you know, the voice team is
21 going to work with the storage team or they
22 have a requirement for storage, yet they
23 haven't spoken to the storage team yet.

24 So Carmelo, Naseer or any of

1 the lab coordinators would review that, get in
2 touch with both parties and say, "Let's get
3 together. Let's have a quick meeting. Let's
4 figure out what we're doing here," and try to
5 bring that to closure.

6 Q. And overall lab caretakes,
7 gatekeepers. What does that entail?

8 A. I think that's a general catch
9 bucket there that says they are responsible
10 for the lab, no one should be doing anything
11 within the lab, except for the lab
12 coordinators. They do all the work in the
13 lab, no one else should be doing it.

14 Q. And what is SME peer group?

15 A. SME is a -- an engineering --
16 it's a label we give to an engineer. It's --
17 it's really dictating that he's the expert in
18 that field or in that technology.

19 Q. Do you know what "SME" stands
20 for?

21 A. Got a block right now.

22 MS. BOUCHARD: Subject matter
23 expert.

24 THE WITNESS: Thank you.

1 MS. BOUCHARD: Is that okay?

2 THE WITNESS: Subject matter
3 expert.

4 MS. BOUCHARD: Just a smidgen
5 of information.

6 THE WITNESS: Yup. A SME.

7 BY MS. WALSH:

8 Q. So "SME peer group interaction
9 when necessary," what does that mean?

10 A. I'm not a hundred percent sure
11 what that means here.

12 - - -

13 (Whereupon, a document was
14 marked for identification purposes
15 as Discepolo-7.)

16 - - -

17 BY MS. WALSH:

18 Q. I'm going to show you another
19 document. This one's being marked as
20 Discepolo-7. And for identification purposes,
21 it is a nine-page document Bates stamped
22 CTI00001238 through 46.

23 A. Okay.

24 Q. Again, I'm just going to ask

1 you to have a look at it and let me know when
2 you're ready.

3 A. (Reviewing.)

4 Okay.

5 Q. Do you recognize that document?

6 A. Yes, I do.

7 Q. And can you tell me what it is?

8 A. It's the PCM for the Warren
9 lab.

10 Q. And on the cover, it has a
11 date, May 15th, 2007?

12 A. Correct.

13 Q. Is this the version that was
14 created or updated on May 15th, 2007?

15 A. Should be, yes.

16 Q. And if you turn to the second
17 page, which talks about "Revision History"?

18 A. Um-hum.

19 Q. Is it apparent from this that
20 this is a revised version of the original PCM
21 that Mr. Millan created?

22 A. Yes, it is.

23 Q. And on Page 5 of the document,
24 there's a table there. And the second box in

1 white down has "Lab Coordination Team"?

2 A. Yup.

3 Q. And under "Responsible," it has
4 "Anthony Sorrentino" and "Naseer Ibrahim"?

5 A. Okay.

6 Q. Under "Function," it has eleven
7 different functions listed there?

8 A. Yup.

9 Q. Can you have a look at those
10 functions and tell me if that's an accurate
11 reflection of the responsibilities of the lab
12 coordination team?

13 A. (Reviewing.)

14 It is with the same caveat as
15 before with relation to Item 10 of the SME
16 peer group; I'm not a hundred percent sure
17 what that really means. It looks like all we
18 did was cut and paste it from the previous
19 documents and carry it forward, but the other
20 responsibilities are pretty accurate.

21 Q. And with respect to Number 11,
22 "Responsible for management segment," in
23 quotes, "IP address management." What is
24 that?

1 A. Again, when we install
2 equipment in the lab, we have to give it an IP
3 address in order for it to talk on a network.

4 So, as I stated before, we
5 assign blocks of addresses to the different
6 engineering teams. As they put more and more
7 equipment in, we pick out IP addresses to
8 assign to the next.

9 Q. So it's the assignment of the
10 IP addresses and the keeping of that
11 information in the database?

12 A. Yes.

13 Q. Just to go back to Exhibit 7,
14 the same page, Page 5, under Number 4, it
15 says, "Responsible for lab environmentals"?

16 A. Um-hum.

17 Q. What does that mean?

18 A. So that means within that lab
19 space, we have electrical and cooling
20 requirements. So we had some monitors built
21 into the lab so that we can measure how much
22 electricity is being used within the lab. And
23 we have a threshold; can't go above that
24 threshold or we have issues.

1 And the cooling we have built
2 on top of each cabinet is a monitor. And the
3 cabinet shouldn't go above 75 degrees
4 Fahrenheit. If it does, equipment can start
5 failing and all that stuff. They do a
6 walk-through once a day just to check the
7 environment out and make sure it's okay.

8 Q. And make sure they haven't
9 exceeded those levels?

10 A. Yes.

11 Q. Sir, you testified earlier that
12 when Mr. Holder was responsible for doing
13 performance evaluations that you would have
14 certain input to it when you were manager.

15 Back in 2004, before you had
16 supervisory responsibilities over Mr. Holder
17 and Mr. Millan, I assume you would not have
18 any input into the performance evaluations
19 that Mr. Holder was doing at the time?

20 A. Correct.

21 Q. But by year end, 2005, by then,
22 you would have had input into it?

23 A. Yes.

24 - - -

1 (Whereupon, a document was
2 marked for identification purposes
3 as Discepolo-8.)

4 - - -

5 BY MS. WALSH:

6 Q. I'm going to show you a
7 document being marked as Exhibit 8. For
8 identification purposes, it is a five-page
9 document Bates stamped CTI0000341 through 345.

10 A. Okay.

11 Q. And if you'd take a minute to
12 look at that, I'm going to ask you some
13 questions when you're ready.

14 A. (Reviewing.)

15 Okay.

16 Q. Do you recognize this document?

17 A. Yes, I do.

18 Q. What is it?

19 A. It's the 2005 year-end
20 performance review for Carmelo.

21 Q. And did you specifically review
22 this performance evaluation with Mr. Holder?

23 A. At a high level, yes, I did.

24 Q. And did you give any input to

1 Mr. Holder specifically with respect to this
2 performance evaluation?

3 A. Bear with me one moment.

4 MS. BOUCHARD: Do you need to
5 read --

6 THE WITNESS: I just want to
7 look at the overall performance
8 summary here.

9 I think the only input I really
10 gave on this one was in the "2006
11 Goals" section where we talked about
12 completing the migrations, migrating a
13 new division into the Warren lab
14 facility and, you know, stressing that
15 we need to find ways to automate all
16 the processes these guys were doing
17 manually in order to improve
18 efficiencies. That's it.

19 BY MS. WALSH:

20 Q. You testified earlier with
21 respect to Mr. Millan's attendance issues as
22 of approximately the middle part of 2006.
23 Correct?

24 A. Yes.

1 Q. Prior to that, did he have any
2 attendance issues, to your knowledge?

3 A. Not that I'm aware of.

4 Q. Did he work long hours, beyond
5 the hours required for him to work?

6 MS. BOUCHARD: Prior to when?

7 MS. WALSH: Prior to the middle
8 of 2006 when you identified that there
9 were attendance issues.

10 THE WITNESS: Well, based on
11 the TRS report and that one
12 conversation I had with him when he
13 first came over to me, it seemed like
14 he was working long hours.

15 BY MS. WALSH:

16 Q. Under the "Overall Performance
17 Summary" for 2005 -- and that's Page 3 of this
18 document?

19 A. Yes.

20 Q. -- the third line says, "In
21 addition to his overwhelming day-to-day
22 responsibilities, he assumed total
23 responsibility for the build-out for the
24 Warren lab facility"?

1 A. Um-hum.

2 Q. Did you have any issues with
3 Mr. Holder putting that in there?

4 A. No, not at all.

5 Q. Did you think that was
6 accurate?

7 A. From what -- if Paul put it in
8 and Paul was managing him, then, yes, I would
9 think it's accurate. I did not have, you
10 know, day-to-day interaction with the folks.

11 Q. And in terms of day-to-day
12 responsibilities, what's your understanding of
13 what Mr. Holder is referring to?

14 A. Just the overall amount of work
15 the engineers were doing in the labs in 388
16 Greenwich.

17 Q. Is that aside from the Warren
18 lab responsibilities?

19 A. Yes, because 388 was one of the
20 biggest labs we had where all the day-to-day
21 work and certification work was taking place
22 in 388. And then the challenge was -- or the
23 project was to move all of that over to
24 Warren, so...

1 Q. And did you agree that his
2 day-to-day responsibilities at Greenwich were
3 overwhelming?

4 A. Again, I only had him for, you
5 know, three months or a quarter of the year,
6 four months out of that year. And I really
7 didn't understand the environment well enough
8 to figure out if they were overwhelming or
9 not, but, you know, I trusted Paul and Carmelo
10 on that piece.

11 Q. On Page 2 of the document under
12 Section 3, it has "Assessment and Managerial
13 Factors If Applicable." That's not completed.
14 Is there a reason that's not completed?

15 A. Most of that is based on if you
16 were a manager. It applies if you were a
17 manager.

18 Q. And he wasn't a manager?

19 A. He wasn't a manager.

20 - - -

21 (Whereupon, a document was
22 marked for identification purposes
23 as Discepolo-9.)

24 - - -

1 BY MS. WALSH:

2 Q. I'm going to give you a
3 document being marked as Discepolo-9. And for
4 identification purposes, it is a ten-page
5 document being Bates stamped CTI0000346
6 through 355.

7 A. Um-hum.

8 Q. Again, I'm going to ask you to
9 have a look at that document and let me know
10 when you're ready.

11 A. Okay.

12 (Reviewing.)

13 I'm ready.

14 Q. Do you recognize Exhibit 9?

15 A. Yes, I do.

16 Q. What is it?

17 A. It's a year-end assessment for
18 2006 for Carmelo.

19 Q. Who prepared this?

20 A. I did.

21 Q. Had the format of the year-end
22 assessment changed between 2005, 2006?

23 A. Yes, it had.

24 Q. And in this assessment, could

1 employees provide their own feedback with
2 respect to how they're performing?

3 A. Yes, they can.

4 Q. At the time that you performed
5 this assessment, were you happy with
6 Mr. Millan in his role as lab coordinator at
7 the Warren facility or otherwise?

8 A. I was not happy based on the
9 attendance issues and some of the other work
10 that did not get done or took too long to get
11 done.

12 Q. What was your perception as to
13 why certain work did not get done?

14 A. A lot of it probably had to do
15 with the attendance issues, follow-through,
16 time management, delivering on required asks,
17 requests.

18 Q. Did you meet with Mr. Millan at
19 the time of the year-end assessment?

20 A. Yes, I did.

21 Q. And that was a separate meeting
22 to the other two we talked about --

23 A. Correct.

24 Q. -- where you had given him

1 written notice?

2 A. (Nodding.)

3 Q. What was the sum and substance
4 of the conversation you had with him with
5 regard to his year-end assessment?

6 A. Basically, I sat him down and
7 explained to him what my feelings were and why
8 I was rating him the way I did, listened to
9 his feedback, gave him the electronic copy or
10 the soft copy of the report and asked him to
11 think about it, and if he wants to provide any
12 feedback on it, he's more than entitled to.

13 Q. What did he say to you during
14 the course of the conversation?

15 A. If I remember correctly, he
16 wasn't too thrilled with it, he wasn't happy
17 that he was rated what he was rated, and
18 that's about it.

19 Q. Did he make any complaints to
20 you with respect to the amount of work that
21 had to be performed in that function?

22 A. Not at that meeting, no.

23 Q. You testified at some point
24 Mr. Millan told you -- or you found out that

1 he had resigned. Correct?

2 A. Yes.

3 Q. And there was an effort to
4 replace him as lab coordinator. Correct?

5 A. Yes.

6 Q. And you said that, at some
7 point, you contacted Mr. Sorrentino with
8 respect to the position. Correct?

9 A. Yes.

10 Q. What else was done following
11 Mr. Millan's leaving to find a replacement for
12 him?

13 A. The first thing that happens
14 is, you have to go in and create a replacement
15 requisition within the proper HR system. That
16 entails justifying why you need that. Then it
17 has to go up the chain of command for
18 approval. So it goes up to my boss's boss and
19 HR to get approval. And once that is
20 approved, then the req is posted, and then we
21 start looking for candidates.

22 Q. So did you prepare a
23 replacement requisition for Mr. Millan's
24 position?

1 A. Yes, I did.

2 Q. How soon was that after he
3 tendered his resignation?

4 A. I don't remember the exact
5 date, but -- I'm sure I started a replacement
6 req, you know, probably a week after Carmelo
7 left because it was a function that needed to
8 be filled and replaced, but it did take, you
9 know, two months, two and a half months before
10 we were able to bring someone in and get them
11 to fulfill that job.

12 Q. And that was just because it
13 had to be approved?

14 A. Had to be approved. You've got
15 to run through the cycle, you've got to go
16 through the interview process, you have to go
17 through the HR process.

18 - - -

19 (Whereupon, a document was
20 marked for identification purposes
21 as Discepolo-10.)

22 - - -

23 BY MS. WALSH:

24 Q. I'm going to show you another

1 exhibit that's being marked as Discepolo-10,
2 and for identification purposes, it's a
3 three-page document Bates stamped CTI00001357.
4 through 59.

5 A. Yup.

6 Q. And I'm going to ask you to
7 take a look at that document.

8 A. (Reviewing.)

9 Okay.

10 Q. Do you recognize this document?

11 A. Yes, I do.

12 Q. What is it?

13 A. It is the replacement
14 requisition form for Carmelo Millan.

15 Q. Is there anything on the
16 document that would indicate when it was
17 created?

18 A. That's what I was just looking
19 for.

20 (Reviewing.)

21 I don't see anything.

22 Q. I know, at the very bottom, it
23 says on the right-hand side, "August 20th,
24 2007," but I think that might have been when

1 it was -- when we requested it.

2 A. Sent over, yeah. Because I
3 hired Anthony in June of '07, so the req was
4 open, the hiring process done and Anthony on
5 board in June, so...

6 Q. Okay. Did you create this
7 document?

8 A. Yes, I did.

9 Q. And you created the -- on
10 Page 2 under "Justification Reason/Additional
11 Information," did you create the specific
12 information contained in there?

13 A. Yes, I did.

14 Q. It says, "When Carmelo leaves
15 the firm, this will leave only 1 FTE (junior)
16 to support almost 300 engineers across the
17 CATE organization and product development
18 efforts as they relate to the Warren Lab"?

19 A. Um-hum.

20 Q. What is "FTE"?

21 A. Full-time employee.

22 Q. And who was the full-time
23 employee junior that you're referring to
24 there?

1 A. Naseer.

2 Q. It says -- below that, it says,
3 "BAU responsibilities include the following,"
4 and it has a list. It says, "Space Allocation
5 and planning Equipment Installs - Because of
6 the ongoing evaluations in the Lab, on average
7 there are about 15 installs per week, in some
8 instances as high as 40 per week."

9 A. Okay.

10 Q. Was that accurate at the time?

11 A. Yeah, that could have been
12 because that's when we were just coming off
13 of -- no, I take that back. Those were the
14 numbers we used in order to justify getting
15 the req filled.

16 Q. So are you saying you put
17 incorrect information in here?

18 A. Sometimes. Not -- not -- not
19 incorrect, may have just expanded it a little
20 bit in order to get the req through the
21 process quicker.

22 Q. So are you saying the numbers
23 here are incorrect?

24 A. The 40 may be high.

1 Q. Would it have been as high as
2 40 per week at any time?

3 A. When we first moved into
4 Warren, it could have been 40 a week.

5 Q. This would have been created
6 sometime after Mr. Millan's resignation.
7 Correct?

8 A. Yes.

9 Q. And that was -- you refer to
10 that -- it says Mr. Millan resigned on
11 March 14th, 2007. Correct?

12 A. Correct.

13 Q. So it would have been sometime
14 after March 14th, 2007, and before
15 Mr. Sorrentino was hired?

16 A. Yes.

17 Q. And you're saying -- you listed
18 here that the "Responsibilities" -- which,
19 presumably, are the current responsibilities.
20 Correct?

21 A. Yes.

22 Q. -- "include the following."

23 So as of March 2007, was the
24 number of 40 installs per week not accurate?

1 A. It may -- I don't believe I
2 went back and looked at the BAU system to see
3 how many were actually done on an average
4 week. It was just a ballpark number, 15 to 40
5 on average, peaks and flows depending on
6 what's going on in the environment.

7 Q. So you're saying, on average,
8 about 15 per week and, in some instances, as
9 high as 40? You were estimating at the time?

10 A. Yeah.

11 Q. And do you believe it was an
12 accurate estimate that you put in at the time?

13 MS. BOUCHARD: He's already
14 testified to that.

15 THE WITNESS: I believe it is,
16 but if you want accuracy, we'd have to
17 go back and look at the system and
18 pull out weekly stats.

19 BY MS. WALSH:

20 Q. You didn't purposely put in an
21 incorrect number there, did you?

22 A. No. No. That was put in to
23 the best of my ability at the time I created
24 this.

1 Q. It says, "Managing the build of
2 tests topologies"?

3 A. Um-hum.

4 Q. Can you tell me what that is?

5 A. Yeah. So, again, if an
6 engineer comes in, and they put in a lab
7 request form, and they want to build out an
8 environment that includes servers, network
9 connections, SAN storage equipment, right, the
10 lab coordinator would get that request, and he
11 would build out that topology.

12 Sometimes it's just a one-unit
13 device that the person is testing. Sometimes
14 they're testing a network configuration which
15 includes many different things, and that's
16 what we would refer to as a topology or a
17 network assembly. So that's what they would
18 build out.

19 Q. What is CATE, C-A-T-E?

20 A. CATE is Citigroup architecture
21 and technology engineering organization.

22 Q. Is the Warren lab the only
23 facility that's part of CATE, or is it a
24 broader network?

1 A. It's a broader network.

2 Q. On Page 2 of the document, it
3 says -- under "Education Level," it says,
4 "Associate's Degree."

5 Do you see that?

6 A. Yes.

7 Q. And that was the level of
8 education required to fill the position?

9 A. It's -- that could be a
10 misclassification. It would usually either go
11 with degrees or -- brain cramp -- experience,
12 job-related experience.

13 Q. So did you -- did you not need
14 an associate's degree?

15 A. You did not need it.

16 - - -

17 (Whereupon, a document was
18 marked for identification purposes
19 as Discepolo-11.)

20 - - -

21 BY MS. WALSH:

22 Q. I've given you a document
23 that's being identified as Discepolo-11, and
24 it is a three-page document that's Bates

1 stamped CTI00001360 through 62 for
2 identification purposes.

3 And just off the record for a
4 second.

5 - - -

6 (Discussion off the record.)

7 - - -

8 BY MS. WALSH:

9 Q. Take a minute to look at that.

10 A. Yup.

11 (Reviewing.)

12 It is 4 of 12.

13 MS. WALSH: Off the record.

14 - - -

15 (Discussion off the record.)

16 - - -

17 BY MS. WALSH:

18 Q. Do you recognize this
19 three-page document?

20 A. Looks like it's part of the
21 requisition process.

22 Q. Was this something that you
23 created at the same time as Exhibit 10?

24 A. Let me just take a look,

1 please.

2 (Reviewing.)

3 Yes, it does (sic). Um-hum.

4 Q. And on the third page of the
5 document under "Description," was this a
6 description that you created that described
7 the position that was being advertised to
8 replace Mr. Millan?

9 A. Yes.

10 Q. What was Mr. Millan's salary
11 prior to him resigning?

12 A. I believe it was 61, 62,000
13 base salary.

14 Q. And was there a bonus that was
15 allocated to his position?

16 A. Bonuses are never guaranteed.
17 It's based on performance throughout the year.

18 Q. Did he get a bonus at the end
19 of 2006?

20 A. No.

21 Q. Did he get a bonus at the end
22 of 2005?

23 A. Yes, he did.

24 Q. What was his bonus at the end

1 of 2005?

2 A. Tough question. I think it was
3 10 or 12,000. I don't recall exactly.

4 Q. Who determined the bonus at the
5 end of 2005?

6 A. That was a combination of
7 myself and Yesim.

8 Q. What bonus did Mr. Ibrahim get
9 at the end of 2005?

10 A. Zero.

11 Q. Were there any other bonuses
12 given out during the course of the year?

13 A. No.

14 Q. When was the 2005 bonus
15 determined? When were the numbers determined?

16 A. The annual comp cycle starts in
17 October, and it really can run right up until
18 the week before the bonuses are given out. So
19 changes can happen. So that's, you know,
20 January of the following year.

21 Q. Do you know at what point in
22 time Mr. Millan's bonus was determined in that
23 cycle?

24 A. Again, it would have started

1 somewhere in the October time frame and, as
2 the process is revised from corporate, whether
3 it goes up or down or things change, it would
4 happen any time through that cycle. I think
5 they tell us there's no guarantee until you
6 get the check in your hand, so...

7 - - -

8 (Whereupon, a document was
9 marked for identification purposes
10 as Discepolo-12.)

11 - - -

12 BY MS. WALSH:

13 Q. I gave you an exhibit that's
14 been marked as Exhibit 12. And for
15 identification purposes, it's a one-page
16 document that's Bates stamped CTI00001369 and,
17 again, I'm just going to ask you to have a
18 look at that document.

19 A. (Reviewing.)

20 Okay.

21 Q. Do you recognize it?

22 A. No.

23 Q. The first paragraph says, "TIE
24 is building a main technology laboratory at

1 its 388 Greenwich Street, NY location."

2 Do you know when the lab at 388
3 Greenwich Street was created?

4 A. No.

5 MS. BOUCHARD: Off the record.

6 - - -

7 (Discussion off the record.)

8 - - -

9 MS. WALSH: Let's take a
10 five-minute break. I don't have a
11 whole lot more to go through, and I
12 just want to go through my notes and
13 make sure I have everything. I do
14 have some more, but not a ton.

15 - - -

16 (Recess 3:41-3:48 p.m.)

17 - - -

18 BY MS. WALSH:

19 Q. Does Mr. Ibrahim still work in
20 the same position?

21 A. Yes, he does.

22 Q. And do you know what a computer
23 systems analyst is?

24 A. Programmer.